



TCDLA Board of Directors Meeting Minutes

Saturday, June 16, 2016
Henry B Gonzalez Convention Center – Lila Cockrell Theatre
San Antonio, Texas

Introduction

Sam Bassett, President calls the meeting to order at 12:05 pm. A quorum was present.

Roll Call:

Officers

<u>P</u> Sam Bassett, President	<u>P</u> Donald Flanary	<u>P</u> John Hunter Smith
<u>P</u> John Convery, President-Elect	<u>A</u> Stephen Gordon	<u>A</u> Ed Stapleton
<u>P</u> David Moore, 1st VP	<u>A</u> Deandra Grant	<u>A</u> George Taylor
<u>P</u> Mark Snodgrass, 2nd VP	<u>P</u> Keith Hampton	<u>A</u> Oscar Vega
<u>E</u> Kerri Anderson-Donica, Treasurer	<u>A</u> Melissa Hannah	<u>E</u> Greg Westfall
<u>P</u> Grant Scheiner, Secretary	<u>E</u> Jo Ann Jacinto	
<u>E</u> Sarah Roland, <i>Voice</i> Editor	<u>E</u> Steve Keathley	Associate Directors
	<u>P</u> Laurie Key	<u>P</u> Chris Abel
	<u>P</u> Adam Kobs	<u>P</u> Roberto Balli
	<u>A</u> Bradley Lollar	<u>A</u> Casie Gotro
	<u>P</u> Louis Lopez	<u>A</u> Michael Head
	<u>P</u> Jani Maselli Wood	<u>P</u> Susan Kelly
	<u>P</u> Hiram McBeth	<u>A</u> Nathan Miller
	<u>A</u> Michael McDougal	<u>A</u> Michelle Moore
	<u>A</u> George Milner, III	<u>P</u> Audrey Moorehead
	<u>A</u> Angela Moore	<u>P</u> Michelle Ochoa
	<u>P</u> Anthony Odiorne	<u>P</u> Scott Pawgan
	<u>P</u> Stephanie Patten	<u>P</u> Carmen Roe
	<u>A</u> Oscar Pena	<u>P</u> Frank Sellers
	<u>A</u> Bennie Ray	<u>P</u> Monique Sparks
	<u>P</u> Ray Rodriguez, Jr.	<u>A</u> Courtney Stamper
	<u>P</u> Jeremy Rosenthal	<u>P</u> Mark Thiessen
	<u>P</u> David Ryan	<u>P</u> Gregory Waldron

Directors

<u>P</u> Susan Anderson
<u>E</u> Marjorie Bachman
<u>P</u> Heather Barbieri
<u>A</u> Robert Barrera
<u>E</u> Curtis Barton
<u>A</u> Rick Berry
<u>A</u> Fred C. Brigman, III
<u>P</u> Clinton Broden
<u>P</u> Jim Darnell
<u>P</u> Nicole DeBorde

Key: P = Present; E = Excused Absence; A = Unexcused Absence

Past Presidents in Attendance: Tim Evans, Gerry Goldstein, Ron Goranson, William Harris, Dan Hurley, Bobby Lerma, Edward Mallett, Bobby Mims, Gerry Morris, Cynthia Orr, Stanley Schneider, Bill Wischkaemper

Staff: Joseph Martinez, Andrea Keilen, Melissa Schank, Rick Wardroup, Mari Flores, Nitu Gill

President’s Comments: Sam Bassett welcomed everyone to the board meeting and recognized all the past presidents, guests and new board members. He thanked everyone for helping him and everyone’s leadership during his year as President.

Recognitions, *Sam Bassett*

Sam gave a moment of silence for recognition of fallen heroes: Ron Goranson recognized Stanley Weinberg from Dallas.

MOTION: Minutes – February 13, 2016

Motion to adopt the minutes from the TCDLA Board Meeting on February 13, 2016, in New Orleans, Louisiana made by Nicole DeBorde, seconded by David Ryan - motion carries.

MOTION: Board Electronic Votes

Motion to approve electronic votes for recipients of:

- **Hall of Fame: Edward Mallett, William Habern and Shirley Baccus-Lobel made by Ron Goranson, seconded by Bill Harris – motion carries.**
- **Percy Foreman Lawyer of the Year: Richard Gladden and Brian Wice made by David Ryan, seconded by Keith Hampton – motion carries.**

General Counsel Report, *Andrea Keilen*

Andrea gave an update on issues TCDLA has identified as priority for this year's platform. She will work with Mark Daniels on a legislative survey. She looks forward to working with everyone on legislative issues.

Executive Director's Report, *Joseph Martinez*

Joseph welcomed everyone and asked for a big round of applause for Sam. He thanked the board members who volunteered and our members. We have had an exceptional year with over 32 active committees who serve under the board. He looks forward to an extraordinary year to come.

- **Legislation** – Joseph recognized and applauded Andrea Keilen, Mark Daniels and Bill Harris for an extraordinary year to come. They have prepared an outstanding legislative platform related to justice.
- **Staff Anniversaries** - Joseph recognized TCDLA staff anniversaries: Amanda Martinez completing one year, Tracy Casares celebrating five years and Rick Wardroup for five fabulous years – a round of applause was given.
- **Declaration Readings** – We had over 254 counties represented.
- **2017 Rusty Course Directors** - Cynthia Orr, Bobby Lerma, Frank Sellers and Audrey Moorehead – we will start preparing for next year.
- **Annual Report** – Joseph went over the annual report included in board packets

Seminars, *Melissa Schank*

Melissa thanked Sam for a great year under his leadership. Rusty Duncan had 762 attendees, met projected attendees of 751. This would not be possible without the hard work and dedication of our course directors Heather Barbieri, Jim Darnell, Kameron Johnson, Mark Stevens and JoAnn Jacinto for a successful Rusty Duncan. Next year we will move the entire Rusty Duncan program to the Hyatt Regency. We continue to face challenges with the oversaturation of DWI seminars and competing organizations. We are looking at new topics and different formats and venues. Join us in February, 2017 Royal Caribbean Cruise for the President's Trip.

Membership, *Melissa Schank*

We are down about 40 members at this same time last year. 52% of new Board member comps have renewed. Please contact those on the non-renewal lists from your area you receive each month. We are focusing on retaining our new members. We have added additional member benefits and will continue exploring new ones.

Capital Assistance Report, *Rick Wardroup*

Rick reported that he served as Course Director for the following programs: Forensics Seminar – Dallas (October 2015), Capital Litigation/Mental Health – South Padre (November 2015), Capital/Mental Health – Houston (February 2016), Capital Update – San Antonio (June 2016)

He has worked with as Course Director for CAIL for the following programs: Cross Examination – Plano (December 2015), Capital Trial College - Plano (March 2016), Evidence Bootcamp – Plano (November 2016), Successfully Defending Child Physical Abuse and Child Death – Dallas (September 2015), Evidence -- Lubbock Private Defender Office (2015, 2016), Indigent Defense – Dallas (February 2016), Preservation of the Record -- Amarillo Criminal Defense Lawyers Assoc. (March 2016)

Rick is currently working and encourages everyone to attend the following seminars: Forensics - Houston (October 2016), Capital Litigation/Mental Health – South Padre Island (November 2016)

Capital Update-Houston (February 2017)

Attended NACDL Mental Health Training – Austin (Feb. 2016)

Attended NACDL Forensics Program – Las Vegas (May 2016)

Acquired rights to adapt Oregon Forensic Manual for use by Texas lawyers

Publications, *Rick Wardroup*

Rick reported that we sold an amazing number of publications at the Rusty Publication booth. He thanked all the volunteers for helping with the 29 completed publications. We have some new publications to come – Juvenile Code and adding some supplements. He thanked Craig for an unbelievable job for editing and formatting. Grant has done amazing things with new updated app.

Budget and Finance Committee, *Mari Flores*

Mari gave a recap through April 30th financials, balances in checking and savings. She stated we are doing very well. She also gave an overview on revenue and expenses included in board packets. We have started preliminary work on FY17 budget with incoming treasurer, Grant Scheiner. Sam stated Mari is the best he has ever seen.

2016 Rusty Duncan Course Directors, *Sam Bassett*

Sam applauded our course directors for one of the highest attendances for a non-legislative year. It is a testament to the course directors, speakers and staff that we maintain and exceed annually this cle! He asked for a round of applause for Heather Barbieri, Mark Stevens, Jim Darnell, Kameron Johnson and JoAnn Jacinto for their hard work.

Invite to Events, *John Convery*

Members' Trip – South Padre

John invited everyone to come together to South Padre Island for Trainer of Trainers, CLE and Members' Retreat! It is going to be a great time.

- Wednesday, July 12-16, 2016 – Members' Retreat with Emmett Harris

- Wednesday, July 13, 2016 – Trainer of Trainers
- Thursday/Friday, July 14-15, 2016 – Upholding Justice
- Saturday, July 16, 2016 – TCDLA/TCDLEI/CDLP Orientation

President’s Trip – Royal Caribbean Cruise

Mark your calendars – only need to take 4 days off! 7 day cruise out of Galveston – February 12-19, 2017. It will be a great time and a lot of fun!

Voice for the Defense, *Sam Bassett*

Sam thanked Sarah for all her work on taking on the role as the new editor.

Timothy Cole Exoneration Task Report, *Sam Bassett*

Exoneration Commission is composed of elected officials, prosecutors and criminal defense attorneys. The task force is focusing on the recording of conversations by law enforcement. Update to come.

Forensics Science Commission, *Sam Bassett*

The Governor’s office has contacted Andrea Keilen for a list of names for a new designee. Currently Bobby Lerma is serving. Andrea is working on the list and contacting potential members.

Indigent Defense Taskforce, *Tony Odiorne*

Tony gave an update for the report included in board packet. Sam thanked him for his work.

Affiliate Committee, *Susan Anderson*

MOTION: Dallas Bar Affiliate

Motion to have the Dallas Bar as a TCDLA Affiliate made by Susan Anderson, seconded by Ron Goranson – motion passes.

Contact Susan if your association is interested in becoming an affiliate of TCDLA.

Amicus, *Sam Bassett*

Sam mentioned recent Supreme Court of recent decision regarding the use of illegally seized evidence in forfeitures. David Botsford has brought that to Sam’s attention, it will be forwarded to the committee.

By-Laws, *Adam Kobs*

MOTION: ARTICLE VII - BOARD OF DIRECTORS

ARTICLE VII - BOARD OF DIRECTORS

a) The business and affairs of the Association shall be managed by a Board of Directors. The Board of Directors shall consist of the elected officers of the Association, the past presidents of the Association, the editor of the VOICE for the Defense, forty-two (42) directors, and sixteen (16) associate directors. Each past president of the Association is a member of the Board of Directors, provided said past president is a member in good standing. Directors shall be elected for terms of three (3) years. Associate directors shall be elected for terms of one (1) year.

(b) No director may be elected to serve for more than two (2) full consecutive terms, not to include any term or terms served as an associate director provided this restriction shall not prevent officers and the editor of the VOICE for the Defense who are directors by virtue of office from serving on the Board of Directors. Any director who is ineligible to be reelected to the Board is

also ineligible for election as associate director. No associate director may be elected for more than two (2) consecutive terms, except as deemed necessary by the nominations committee and approved by the Board, associate directors terms may be extended by one year. The executive committee shall have the responsibility for establishing rules to ensure the orderly election of the board of directors.

(c) Each membership area designated in Section 11 of Article III shall be represented by a director from that area. The nominations committee shall have responsibility for establishing rules for elections which will achieve this objective.

Motion made by Adam Kobs, seconded by Ron Goranson – motion carries.

Sam thanked Adam for all his work and being available to him and the board.

Prosecutorial Misconduct, *John Hunter Smith*

Filed grievances on – pending Cleburne County where video recording where set up outside of courtroom. John Hunter Smith has been a great support in this. John gave an update on the grievance.

Corrections and Parole, *Nicholas Hughes*

Nicholas gave an update of the upcoming work with the State Bar. The committee will also be working closely with Andrea and Legislative Committee.

Criminalization of Poverty, *Jani Maselli Wood*

Jani is creating a new committee working closely with Andrea on the fees clients are paying. Sam thanked Jani for getting things done.

Strike Force, *Nicole DeBorde*

Nicole gave an update for the work the Strike Force has done. Nicole and Regan are the perfect combination and have done a great job to responding to Strike Force issues. A round of applause was given.

Long Range Plan, *Ed Mallett*

Sam recognized Ed for taking on the Long Range Plan and his efforts along with his committee. He appreciates his work. The key is the implementation of some of the ideas.

Old and New Business

No old or new business at this time.

MOTION: Long Range Plan

Motion to adopt the Long Rang Plan printed in June Voice and in board packet made by John Convery, seconded by Dan Hurley – motion carries.

Awards/Recognitions

Sam presented John Convery with the presidential gavel. John Convery presented Stefani Jobe with a dozen long stem roses. Sam presented Julie Hasdorff with a dozen long stem roses. John presented Sam with a presidential departing gift from the Executive Committee.

Nominations Committee Recommendations, *Sam Bassett*

MOTION: Slate of 2016-2017 Officers

Motion to approve the slate of nominations for 2016-2017 officers below and the new and renewing directors and associate directors made by Ron Goranson, seconded by Gerry Morris – motion carries.

Slate of Officers:

John Convery, President

David Moore, President-Elect

Mark Snodgrass, 1st Vice President

Kerri Anderson-Donica, 2nd Vice President

Grant Scheiner, Treasurer

Michael Gross, Secretary

Swearing in of President John Convery, *Sam Bassett*

Sam swore in John Convery as TCDLA President 2016-2017. A round of applause was given by the board!

Swearing in of 2016-2017 Officers, *John Convery*

John swore in the incoming officers and is looking forward to working with each one in the upcoming year.

MOTION: 2016-2017 Board Members – Associate Directors and Directors

Motion to approve the slate of nominations for 2016-2017 Associate Directors and Directors made by Sam Bassett, seconded by Bobby Mims – motion carries.

Swearing in of 2016-2017 Associate Directors and Directors, *John Convery*

John swore in the incoming board members and welcomed each of them.

Pinning of Past President

Sam was pinned with past president ribbon by Stefani Jobe. Sam graciously thanked the board for allowing him to be president.

Comments by Incoming President, *John Convery*

John wanted to thank Eli Goldstein, Gerry Goldstein, Chris Goldstein, Van Hilley, Mark Stevens and Maury Maverick. John recognized Julie, he stated his love for TCDLA and recognized how Gerry Goldstein brought him into this organization. He is proud to be a member and associated with the members. This is not an exclusive club – it's a great one – get everyone involved with TCDLA.

He would encourage everyone to help raising our profile and voices by increasing membership. Please help double TCDLA's memberships. He thanked Ed Mallett for the Strategic Plan and looks forward to implementing as many provisions as possible in this upcoming year. He wants to focus on paying more attention to law schools and baby lawyers. He is working with Andrea Keilen on working with interns and take advantage of UT Austin and other universities.

He thanked the remarkable staff, we are a well-oiled cle machine that continues to train attorneys throughout the state of Texas – we should be very proud of this! We have a great legislative team

through the efforts of membership – General Counsel Andrea Keilen is remarkable – we hope to do more than just defense – we will bring offense too!

John thanked his wife and law partner for making this all possible and recognized Lucy, his daughter and Scott. He thanked everyone for their support.

MOTION to adjourn at 12:45 pm. Made by John Convery, seconded by Sam Bassett – motion carries.

Respectfully submitted,
Grant Scheiner
TCDLA Secretary